

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Criminal Action No. 11-00224-01/02-CR-W-DW
)	
)	
JOSHUA SIMONSON)	
KRISTEN SIMONSON,)	
)	
Defendants.)	

MEMORANDUM OF MATTERS DISCUSSED AND
ACTION TAKEN AT PRETRIAL CONFERENCE

I. Background

Pursuant to the order of the Court en banc of the United States District Court for the Western District of Missouri, a pretrial conference was held in the above-entitled cause before the undersigned United States Magistrate Judge on November 15, 2012. Defendant Joshua Simonson appeared in person, pro se. Defendant Kristen Simonson appeared in person, pro se. The United States of America appeared by Assistant United States Attorney Dan Nelson.

On , the Grand Jury returned a indictment. Count one charges

The following matters were discussed and action taken during the pretrial conference:

II. Trial Counsel

Mr. Nelson announced that he and Roseann Ketchmark will be the trial counsel for the Government. The case agent to be seated at counsel table is I.R.S. Special Agents, Ken Klingenberg and Philip Nicotra.

Mr. Simonson announced that he will be acting pro se for the trial in this matter.

Ms. Simonson announced that she will be acting pro se for the trial in this matter.

III. Outstanding Motions

The following motions are pending for ruling by the undersigned Magistrate Judge:

Motion To Suppress filed by the pro se defendants on November 13, 2012 (Doc. 58).

Motion In Limine filed by the Government on November 14, 2012 (Doc. 62)

IV. Trial Witnesses

Mr. Nelson announced that the Government intends to call thirteen (13) witnesses during the trial of this case.

Mr. Simonson announced that he intends to call seven to nine (7 - 9) witnesses during the trial of this case. The defendant may testify.

Ms. Simonson announced that she intends to call seven to nine (7 - 9) witnesses during the trial of this case. The defendant may testify.

V. Trial Exhibits

Mr. Nelson announced that the Government will offer approximately one hundred-twenty (120) exhibits in evidence during the trial of this case.

Mr. Simonson announced that he will offer approximately fifty-five to sixty (55 - 60) exhibits in evidence during the trial of this case.

Ms. Simonson announced that she will offer approximately fifty-five to sixty (55 - 60) exhibits in evidence during the trial of this case.

VI. Defenses

Mr. Simonson announced that he will rely on the defenses of general denial, existence of administration record and satisfaction of debt.

Ms. Simonson announced that she will rely on the same defenses as Mr. Simonson.

VII. Possible Disposition

Mr. Simonson stated this case is definitely for trial.

Ms. Simonson stated this case is definitely for trial.

VIII. Trial Time

The parties were in agreement that this case will take two (2) days with stipulation and three (3) days without stipulations to try.

IX. Stipulations

Possible stipulations with respect to business records foundations.

X. Exhibit List, Voir Dire, and Instructions

The Chief United States Magistrate Judge ordered:

1. That, in addition to the requirements of the Scheduling Order, counsel for each party file and serve a list of exhibits he or she intends to offer in evidence at the trial of this case on the form entitled Exhibit Index and have all available exhibits premarked using the stickers provided by the Clerk of Court by or before Noon, Wednesday, November 21, 2012;
2. That counsel for each party file and serve requested jury voir dire examination questions by or before Noon, Wednesday, November 21, 2012; and
3. That counsel for each party file and serve, in accordance with the requirements of Local Rule 51.1, requested jury instructions by or before Noon, Wednesday, November 21, 2012. Counsel are requested to provide proposed jury instructions in both hard copy form, as required by Local Rule 51.1, and, if available to counsel, 3

and 1/2 inch computer disk in a form compatible with Wordperfect 5.1, 6.1 or 8.0.

XI. Unusual Questions of Law

Counsel announced that they had no knowledge of any unusual questions of law that may arise during the trial of this case.

XII. Trial Setting

Counsel for both parties and the defendants were informed that this case will be listed for trial on the joint criminal jury trial docket which commences on November 26, 2012.

/s/ John T. Maughmer
JOHN T. MAUGHMER
United States Magistrate Judge

Kansas City, Missouri

cc: The Honorable Dean Whipple

Mr. Daniel Nelson

Mr. Joshua Simonson

Ms. Kristen Simonson

Mr. Kevin Lyons